

State of Hawai'i
 Department of Land and Natural Resources
 Division of Forestry and Wildlife
 1151 Punchbowl Street, Room 325
 Honolulu, Hawai'i 96813

Incidental Take License Number: ITL-14 Amended
 Original Date of Issue: Jan 6, 2012
 Amended Date of Issue: February 26, 2021
 Valid Until: 20 years from date of original issue

AMENDED INCIDENTAL TAKE LICENSE

To accompany:

"Kawailoa Wind Power Habitat Conservation Plan," as amended by the Final Habitat Conservation Plan Amendment approved by the Board of Land and Natural Resources at its meeting on February 26, 2021

The Board of Land and Natural Resources hereby grants permission under the authority of Hawaii Revised Statutes §§ 195D-4(g) and 195D-21 and all other applicable laws to:

Kawailoa Wind, LLC

For take, if such taking is incidental to and not the purpose of the carrying out of an otherwise lawful activity, of the following species:

Common Name	Scientific Name	Level of Take	Requested Authorization ^		Location
			5-year limit	20-year limit	
‘A‘o Newell’s Shearwater	<i>Puffinus auricularis newelli</i>	Tier 1	3 adults/ immatures and 2 chicks/eggs	3 adults/ immatures and 2 chicks/eggs	TMKs 1-6-1-006:001, 1-6-1-007:001, 1-6-2-011:001
		Tier 2	6 adults/ immatures and 3 chicks/eggs	6 adults/ immatures and 3 chicks/eggs	
Koloa maoli Hawaiian Duck	<i>Anas wyvilliana</i>	Tier 1	4 adults/ immatures and 4 ducklings	4 adults/ immatures and 4 ducklings	
		Tier 2	6 adults/ immatures and 6 ducklings	6 adults/ immatures and 6 ducklings	

Common Name	Scientific Name	Level of Take	Requested Authorization ^		Location
			5-year limit	20-year limit	
Ae'ō Hawaiian Stilt	<i>Himantopus mexicanus knudseni</i>	Tier 1	6 adults/ immatures and 3 fledglings	8 adults/ immatures and 4 fledglings	
		Tier 2	8 adults/ immatures and 4 fledglings	12 adults/ immatures and 6 fledglings	
'Alae ke'oke'o Hawaiian Coot	<i>Fulica alai</i>	Tier 1	6 adults/ immatures and 3 fledglings	8 adults/ immatures and 4 fledglings	
		Tier 2	8 adults/ immatures and 4 fledglings	12 adults/ immatures and 6 fledglings	
'Alae 'ula Hawaiian Common Moorhen	<i>Gallinula chloropus sandvicensis</i>	Tier 1 Take by capture from trapping	6 adults/ immatures and 3 fledglings	8 adults/ immatures and 4 fledglings 50 individuals	
		Tier 2 Take by capture from trapping	8 adults/ immatures and 4 fledglings	12 adults/ immatures and 6 fledglings 50 individuals	
Pueo Hawaiian Short-eared Owl	<i>Asio flammeus sandwichensis</i>	Tier 1	4 adults/ immatures and 4 owlets	4 adults/ immatures and 4 owlets	
		Tier 2	6 adults/ immatures and 6 owlets	6 adults/ immatures and 6 owlets	
'Ōpe'ape'a Hawaiian Hoary Bat	<i>Lasiurus cinereus semotus</i>	Tier 1	16 adults/ immatures and 8 juveniles	16 adults/ immatures and 8 juveniles	
		Tier 2	24 adults/ immatures and 12 juveniles	32 adults/ immatures and 16 juveniles	
		Tier 3	32 adults/ immatures and 16 juveniles	48 adults/ immatures and 24 juveniles	
		Tier 4	Not applicable	55 bats	
		Tier 5	Not applicable	85 bats	
		Tier 6	Not applicable	20 bats	

Common Name	Scientific Name	Level of Take	Requested Authorization ^		Location
			5-year limit	20-year limit	
'Ua'u Hawaiian Petrel	<i>Pterodroma sandwichensis</i>	Not applicable	Not applicable	19 adults/ fledglings and 5 chicks/ eggs	

^Requested Authorization numbers for tiers are cumulative.

I. GENERAL CONDITIONS

1. This license only authorizes incidental take of the covered species by the licensee on the lands owned or otherwise controlled by Kawaihoa Wind, LLC, on the island of O'ahu, Hawai'i at the time this license is issued pursuant to the "Kawaihoa Wind Power Habitat Conservation Plan" dated October 2011 (hereafter "HCP") as revised by the HCP Amendment dated September 2019.
2. This license is valid only if Kawaihoa Wind, LLC abides by the terms and conditions of the HCP and ITL for the duration of the permit.
3. This license is valid for species protected by federal law only if accompanied by valid federal Incidental Take Permit or Biological Opinion.
4. A legal representative of Kawaihoa Wind, LLC shall acknowledge understanding and agreement to abide by its conditions by signing this license. The signed license must be returned to the Division of Forestry and Wildlife. Upon approval by the Chairperson, a copy of the license will be returned to the applicant.
5. The Board may suspend or revoke this license if the HCP is suspended or revoked. The Board may also suspend or revoke this license in accordance with applicable laws and regulations in force during the term of the license.

II. SPECIAL CONDITIONS

1. The allowable incidental take authorized by this license for the covered species includes observed, unobserved, direct and indirect take as defined in the HCP.
2. The estimation of incidental take for the covered species will be calculated according to adjustments made to the observed direct take according to methods detailed in the HCP, including but not limited to adjustments to include unobserved and indirect take.
3. DLNR will be notified within 3 days of any mortalities, injuries, or disease related to the covered species observed on the property. Injured individuals or carcasses will be handled according to guidelines in the HCP.

Approved by the Board of Land and Natural Resources at its meeting held on February 26, 2021.

DES

By: Suzanne D. Case

Date Apr 16, 2021

Suzanne D. Case, Chairperson and Member
Board of Land and Natural Resources

The undersigned has read, understands, and hereby agrees to abide by the General Conditions and the Special Conditions stipulated in this license.

Kawailoa Wind, LLC

By: Bryan Martin
Bryan Martin

Date 03/30/2021

Its: Authorized Signatory

Kawailoa Wind, LLC's notarized signature is made a part of this document.

NOTARY ON NEXT PAGE



Heather J. Singer
03/30/2021

Cc: DOFAW
DOCARE
USFWS Pacific Islands Office, Honolulu

Signature: David G. Smith

Email: david.g.smith@hawaii.gov